

REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

The Applicant thanks the Examiner for indicating in the final action of December 17, 2004 that claims 2 and 3 are objected to for being dependent on a rejected base claim but would be allowable if rewritten in independent form, including all the limitations of the base claim and any intervening claim. In response the Applicant incorporated the subject matter of claim 2 into claim 1 and rewrote claim 3 to be in independent form. The Applicant further thanks the Examiner for indicating in the Advisory Action of March 22, 2005 that claims 2, 3 and 5 would be allowed if submitted in a separate response canceling the non-allowable claims.

In the Advisory Action dated March 22, 2005, the Examiner indicates that claims 4, 6-12, 14 and 16-18 introduce new combinations which would require additional consideration. The Applicant is hopefully avoiding this issue by incorporating the subject matter of claim 2 into claim 1 since claims originally depended from claim 1. As claims 4 and 6-11 depend directly from allowable claim 1, those claims should have been previously searched and considered by the Examiner during prosecution of this application and should not present any problems at this stage of prosecution.

In an attempt to specifically point out each element of the claim, the Applicant has copied the amended claim here and placed in parenthesis within the claim specific locations in the Figures or specification where a basis for the limitation can be found. The elements of claim 2 can be seen at least in Figs. 3 and 4a:

A cargo securing system comprising:

claim 1. (paragraph 033 of spec.) An elongate base member (2) having a front surface (6) and a rear surface (8) along with a plurality of attachment holes (10) to facilitate attachment of the base member (2) to a desired surface (S, Fig. 12); and (034, Ins. 10-11) an elongate slot (12) and an elongate recess (20) being formed in the base member (2) such that the slot (12) communicates with the recess (20);

at least one adjustable member (4) having an enlarged head (30) and a leg (32) extending from the head (30), (paragraph 038 of spec.) the head (30) being sized to slide along the recess (20) of the base member (2) with the leg (32) projecting through and being freely slid able along the slot (12) to facilitate movement of the adjustable member (4) relative to the base member(2); and

(paragraph 035, Ins. 1-2) a rearwardly facing surface (22) of the recess (20) carrying a first interlocking structure (24) having a repeating pattern

and the adjustable member (4) carrying a mating second interlocking structure (28) having a repeating pattern for mating with the repeating pattern of the first interlocking structure (24), and (paragraph 039, Ins. 1-6) when the first interlocking structure (24) engages with the second interlocking mating structure (28), the adjustable member (4) is retained at a desired position relative to the base member (2); and

(paragraph 034, lines 1-4) the slot (12) extends through the base member (2) from the front surface (6) to the rear surface (8) thereof and extends longitudinally along a length of the base member (2) from adjacent a first end wall (14) to a location adjacent an opposite second end wall (16).

Claim 4 is simply a further limitation of the slot of claim 1. Basis for the combination of claim 1 and this limitation is found in paragraph 034, Ins. 10-12 and Fig. 3. This Figure shows the slot 12 extending parallel to recess 20 while the specification as cited, describes the width of the recess 20 in relation to the width of the slot 12, exactly as recited in claim 4.

Claim 6 is simply a further limitation the adjustable member 4 of claim 1. Basis for the combination of claim 1 and this limitation can be found in paragraph 038, lines 7-10, where the language for this limitation was taken.

Claim 7 is simply a further limitation of the adjustable member 4 of claim 1. Basis for the combination of claim 1 and this limitation can be found in paragraph 039, lines 1-6 and in Figs. 3, 4A-4C and 6. These figures show an adjustable member 4 having a forward facing surface 26 located on opposed sides of the central leg 32. The forward facing surface 26 has an interlocking structure 28 to mate with the interlocking structure 24 of the rearward facing surface 22 of the base member 4.

Claim 8 is simply a further limitation of the adjustable member 4 of claim 2. Basis for the combination of claim 1 and this limitation can be found in paragraph 039, lines 9-13 where the language for this limitation was taken.

Claim 9 is simply a further limitation of the adjustable member 4 of claim 8. Basis for the combination of claims 1 an 8 and this limitation can be found in paragraph 047, lines 1-7 and in Figs. 5 and 6. These figures show the head 30 of an adjustable member 4 having a rear facing surface 52. The rearward facing surface 52 has a spring mechanism 54 to bias the interlocking structure 28 of the adjustable member 4 with the mating interlocking structure 24 of the base member 2.

Claim 10 depends from claim 6 and claim 1. The current claim 10 is simply further limitation of the adjustable member 4 of those claims. Basis for the combination of the claims 1 and 6 and this limitation can be found in paragraph 040, lines 2-4 and Figs. 4A-4C and 5-8. These figures show adjustable members 4 having at least one eyelet 36 on the remote end of the leg 32 to facilitate attachment of the strap.

Claim 11 depends from claim 6 and claim 1. The current claim 11 is simply further limitation of the adjustable member 4 of claims 2 and 6. Basis for the combination of the claims 2, 6 and this limitation can be found in paragraph 040, lines 5-9 and Fig. 7 which provide alternative embodiments of the remote free end of the leg 32.

In the Advisory Action mailed March 22, 2005, the Examiner states that claims 13 and 15 give rise to new section 112, second paragraph issues. Claims 13 and 15 are further amended to clarify the previous amendments. That is, as the head of the adjustable member has not previously specifically been limited as having a repeating pattern the repeating pattern of the adjustable member is now further limited by claim 13 as being a wave pattern and in claim 15 as being a notched pattern. Basis for these amendments can be found in paragraph 042, lines 9-11 and 14-15 and Figs. 4B and 4C.

In the Advisory Action dated March 22, 2005, the Examiner indicates that claims 19 and 20 introduce new combinations which would require additional consideration. Claims 19 and 20 are to include fully the exact allowable subject matter of claim 2 which was indicated to be allowable if rewritten in independent form as amended claim 1. As both claims 19 and 20 substantially include the subject matter of newly amended claim 1, the Applicant believes claims 19 and 20 would not require a further search or consideration, other than a consideration of claim 1 and are now in condition for allowance. The Applicant in attempt to avoid unnecessarily filing an RCE, directs the Examiners attention to the specific references in the specification which teach the elements of those claims.

All Figures of the base member 2 show the elongate slot 12 extending between at least one of if not both of the first and second end walls 14 and 16. Additionally, the adjustable member 4 in all the Figures extends through the base member 2 from the front surface 6 to the rear surface 8, as claimed in both 19 and 20.

In the event that claims 13, 15, 19 and 20 are still deemed to require further search and/or consideration so as to prevent this case from proceeding to issue, the Examiner is provided with permission to cancel those two claims from this case.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

The Applicant attempted to amend the claims to address all of the raised issues expressed in the official action of December 17, 2005. In amending the claims, the Applicant did not included any feature that was believed to be outside the scope of what was believed to be allowable as indicated in the official action of December 17, 2005.

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In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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